

AN ACT

ENTITLED, An Act to revise the controlled substance schedule and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 34-20B-1 be amended to read as follows:

34-20B-1. Terms as used in this chapter mean:

- (1) "Administer," to deliver a controlled drug or substance to the ultimate user or human research subject by injection, inhalation, or ingestion, or by any other means;
- (2) "Agent," an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser and includes a common or contract carrier, public warehouseman, or employee thereof;
- (3) "Control," to add, remove, or change the placement of a drug, substance, or immediate precursor under §§ 34-20B-27 and 34-20B-28;
- (4) "Counterfeit substance," a controlled drug or substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser;
- (5) "Deliver" or "delivery," the actual, constructive, or attempted transfer of a controlled drug, substance, or marijuana whether or not there exists an agency relationship;
- (6) "Department," the Department of Health created by chapter 1-43;
- (7) "Dispense," to deliver a controlled drug or substance to the ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the

substance for such delivery, and a dispenser is one who dispenses;

- (8) "Distribute," to deliver a controlled drug, substance, or marijuana. A distributor is a person who delivers a controlled drug, substance, or marijuana;
- (9) "Hashish," the resin extracted from any part of any plant of the genus cannabis, commonly known as the marijuana plant;
- (10) "Imprisonment," imprisonment in the state penitentiary unless the penalty specifically provides for imprisonment in the county jail;
- (11) "Manufacture," the production, preparation, propagation, compounding, or processing of a controlled drug or substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. A manufacturer includes any person who packages, repackages, or labels any container of any controlled drug or substance, except practitioners who dispense or compound prescription orders for delivery to the ultimate consumer;
- (12) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds; but does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant, or the resin when extracted from any part of such plant;
- (13) "Narcotic drug," any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
 - (a) Opium, coca leaves, and opiates;
 - (b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves,

or opiates;

- (c) A substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in subsections (a) and (b) of this subdivision;

except that the term, narcotic drug, as used in this chapter does not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;

- (14) "Opiate," any controlled drug or substance having an addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability;
- (15) "Opium poppy," the plant of the species *papaver somniferum* L., except the seeds thereof;
- (16) "Person," any corporation, association, limited liability company, partnership or one or more individuals;
- (17) "Poppy straw," all parts, except the seeds, of the opium poppy, after mowing;
- (18) "Practitioner," a doctor of medicine, osteopathy, podiatry, optometry, dentistry, or veterinary medicine licensed to practice their profession, or pharmacists licensed to practice their profession; physician assistants certified to practice their profession; nurse practitioners and nurse midwives licensed to practice their profession; government employees acting within the scope of their employment; and persons permitted by certificates issued by the department to distribute, dispense, conduct research with respect to, or administer a substance controlled by this chapter;
- (18A) "Prescribe," an order of a practitioner for a controlled drug or substance.
- (19) "Production," the manufacture, planting, cultivation, growing, or harvesting of a controlled drug or substance;
- (20) "State," the State of South Dakota;

- (21) "Ultimate user," a person who lawfully possesses a controlled drug or substance for personal use or for the use of a member of the person's household or for administration to an animal owned by the person or by a member of the person's household;
- (22) "Controlled substance analogue," any of the following:
- (a) A substance that differs in its chemical structure to a controlled substance listed in or added to the schedule designated in schedule I or II only by substituting one or more hydrogens with halogens or by substituting one halogen with a different halogen; or
 - (b) A substance that is an alkyl homolog of a controlled substance listed in or added to schedule I or II; or
 - (c) A substance intended for human consumption; and
 - (i) The chemical structure of which is substantially similar to the chemical structure of a controlled substance in schedule I or II;
 - (ii) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or
 - (iii) With respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II;

However, the term, controlled substance analogue, does not include a controlled substance or any substance for which there is an approved new drug application.

Section 2. That chapter 34-20B be amended by adding thereto a NEW SECTION to read as follows:

A controlled substance analogue shall be treated as a controlled substance in schedule I.

Section 3. That § 34-20B-4.1 be amended to read as follows:

34-20B-4.1. An anabolic steroid is any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids, that promotes muscle growth and includes:

- (1) Androstenediol:
 - (a) $3\beta,17\beta$ -dihydroxy-5 α -androstane;
 - (b) $3\alpha,17\beta$ -dihydroxy-5 α -androstane;
- (2) Androstenedione (5 α -androst-3,17-dione);
- (3) Androstenediol:
 - (a) 1-androstenediol ($3\beta,17\beta$ -dihydroxy-5 α - androst-1-ene);
 - (b) 1-androstenediol ($3\alpha,17\beta$ -dihydroxy-5 α - androst-1-ene);
 - (c) 4-androstenediol ($3\beta,17\beta$ -dihydroxy-androst-4-ene);
 - (d) 5-androstenediol ($3\beta,17\beta$ -dihydroxy-androst-5-ene);
- (4) Androstenedione:
 - (a) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
 - (b) 4-androstenedione (androst-4-en-3,17-dione);
 - (c) 5-androstenedione (androst-5-en-3,17-dione);
- (5) Bolasterone (7 $\alpha,17\alpha$ -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- (6) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
- (7) Calusterone (7 $\beta,17\alpha$ -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- (8) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);

- (9) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,4-dien-3-one);
- (10) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone') (17 β -hydroxy-5 α -androst-1-en-3-one);
- (11) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- (12) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
- (13) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
- (14) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- (15) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- (16) Furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-furan);
- (17) 13 β -ethyl-17 α -hydroxygon-4-en-3-one;
- (18) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- (19) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- (20) Mestanolone (17 α -methyl-17 β -hydroxy-5 α -androstan-3-one);
- (21) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
- (22) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- (23) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- (24) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
- (25) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane;
- (26) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane;
- (27) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- (28) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
- (29) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- (30) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9,11-trien-3-one);
- (31) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);

- (32) Mibolerone (7 α ,17 α -dimethyl-17 β - hydroxyestr-4-en-3-one);
- (33) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α - androst-1-en-3-one)
(also known as 17- α -methyl-1-testosterone);
- (34) Nandrolone (17 β -hydroxyestr-4-en-3-one);
- (35) Norandrostenediol:
 - (a) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
 - (b) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
 - (c) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
 - (d) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
- (36) Norandrostenedione:
 - (a) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
 - (b) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- (37) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
- (38) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
- (39) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
- (40) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
- (41) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androst-3-one);
- (42) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en- 3-one);
- (43) Oxymetholone (17 α -methyl-2-hydroxymethylene-17 β - hydroxy-[5 α]-androst-3-one);
- (44) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
- (45) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
- (46) Testolactone (13-hydroxy-3-oxo-13,17-secoandrost-1,4-dien-17-oic acid lactone);
- (47) Testosterone (17 β -hydroxyandrost-4-en-3-one);
- (48) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);

- (49) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
- (50) Boldione (androsta-1,4-diene-3,17-dione);
- (51) Desoxymethyltestosterone (17 α -methyl-5 α -androst-2-en-17 α -ol) (also known as madol);
- (52) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- (53) Prostanazol (17 β -hydroxy-5 α -androstand[3,2-c]pyrazole);
- (54) Methasterone (2 α ,17 α -dimethyl-5 α -androstan-17 β -ol-3-one); and
- (55) Any salt, ester, or ether of a drug or substance described or listed in this section, if that salt, ester, or ether promotes muscle growth.

The term, anabolic steroid, as defined in this section, does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species. However, if any person prescribes, dispenses, or distributes such a steroid for human use, the person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this section.

Section 4. That § 34-20B-14 be amended to read as follows:

34-20B-14. Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, is included in Schedule I, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Bufotenine;
- (2) Diethyltryptamine (DET);
- (3) Dimethyltryptamine (DMT);
- (4) 5-methoxy-N, N-Dimethyltryptamine (5-MeO-DMT);
- (5) 5-methoxy-3, 4-methylenedioxy amphetamine;
- (6) 4-bromo-2, 5-dimethoxyamphetamine;

- (7) 4-methoxyamphetamine;
- (8) 4-methoxymethamphetamine;
- (9) 4-methyl-2, 5-dimethoxyamphetamine;
- (10) Hashish and hash oil;
- (11) Ibogaine;
- (12) Lysergic acid diethylamide;
- (13) Mescaline;
- (14) N-ethyl-3-piperidyl benzilate;
- (15) N-methyl-3-piperidyl benzilate;
- (16) 1-(-(2-thienyl)cyclohexyl) piperidine;
- (17) Peyote, except that when used as a sacramental in services of the Native American church in a natural state which is unaltered except for drying or curing and cutting or slicing, it is hereby excepted.;
- (18) Psilocybin;
- (19) Psilocyn;
- (20) Tetrahydrocannabinol, other than that which occurs in marijuana in its natural and unaltered state, including any compound, except nabilone or compounds listed under a different schedule, structurally derived from 6,6' dimethyl-benzo[c]chromene by substitution at the 3-position with either alkyl (C3 to C8), methyl cycloalkyl, or adamantyl groups, whether or not the compound is further modified in any of the following ways:
 - (a) By partial to complete saturation of the C-ring; or
 - (b) By substitution at the 1-position with a hydroxyl or methoxy group; or
 - (c) By substitution at the 9-position with a hydroxyl, methyl, or methylhydroxyl group;or

- (d) By modification of the possible 3-alkyl group with a 1,1' dimethyl moiety, a 1,1' cyclic moiety, an internal methylene group, an internal acetylene group, or a terminal halide, cyano, azido, or dimethylcarboxamido group.

Some trade and other names: JWH-051; JWH-057; JWH-133; JWH-359; HHC; AM-087; AM-411; AM-855, AM-905; AM-906; AM-2389; HU-210; HU-211; HU-243; HU-336;

- (21) 3, 4, 5-trimethoxy amphetamine;
- (22) 3, 4-methylenedioxy amphetamine;
- (23) 3-methoxyamphetamine;
- (24) 2, 5-dimethoxyamphetamine;
- (25) 2-methoxyamphetamine;
- (26) 2-methoxymethamphetamine;
- (27) 3-methoxymethamphetamine;
- (28) Phencyclidine;
- (29) 3, 4-methylenedioxymethamphetamine (MDMA);
- (30) 3, 4-methylenedioxy-N-ethylamphetamine;
- (31) N-hydroxy-3, 4-methylenedioxyamphetamine;
- (32) 4-methylaminorex (also known as 2-Amino-4-methyl/x-5-phenyl-2-oxazoline);
- (33) 2,5 Dimethoxy-4-ethylamphetamine;
- (34) N,N-Dimethylamphetamine;
- (35) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine;
- (36) Aminorex;
- (37) Cathinone and other variations, defined as any compound, material, mixture, preparation or other product unless listed in another schedule or an approved FDA drug (e.g.

bupropion, pyrovalerone), structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

- (a) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
- (b) By substitution at the 3-position with an acyclic alkyl substituent;
- (c) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

Some trade or other names: methcathinone, 4-methyl-N-methylcathinone (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methyldrone); 3,4-methylenedioxypyrovalerone (MDPV); Naphthylpyrovalerone (naphyrone); 4-fluoromethcathinone (fledrone); 4-methoxymethcathinone (methedrone; Bk-PMMA); Ethcathinone (N-Ethylcathinone); 3,4-methylenedioxyethcathinone (ethylone); Beta-keto-N-methyl-3,4-benzodioxymethamphetamine (butylone); N,N-dimethylcathinone (metamfetramone); Alpha-pyrrolidinopropiophenone (alpha-PPP); 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP); 3,4-methylenedioxyalpha-pyrrolidinopropiophenone (MDPPP); Alpha-pyrrolidinovalerophenone (alpha-PVP); 3-fluoromethcathinone; 4'-Methyl-alpha-pyrrolidinobutyphenone (MPBP); Methyl- α -pyrrolidinopropiophenone (MPPP); Methyl- α -pyrrolidino-hexanophenone (MPHP); Buphedrone; Methyl-N-ethylcathinone; Penthedrone; Dimethylmethcathinone (DMMC); Dimethylethcathinone (DMEC); Methylenedioxymethcathinone (MDMC); Pentylone; Ethylethcathinone; Ethylmethcathinone; Fluoroethcathinone; methyl-alpha-pyrrolidinobutyphenone

(MPBP); Methylecathinone (MEC); Methylenedioxy-alpha-pyrrolidinobutiophenone (MDPBP); Methoxymethcathinone (MOMC); Methylbuphedrone (MBP); Benzedrone (4-MBC); Dibutylone (DMBDB); Dimethylone (MDDMA); Diethylcathinone; Eutylone (EBDB); N-ethyl-N-Methylcathinone; N-ethylbuphedrone;

(38) 2,5-Dimethoxy-4-ethylamphetamine (DOET);

(39) Alpha-ethyltryptamine;

(40) 4-Bromo-2,5-dimethoxy phenethylamine;

(41) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);

(42) 1-(3-trifluoromethylphenyl) piperazine (TFMPP);

(43) Alpha-methyltryptamine (AMT);

(44) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

(45) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

(46) Synthetic cannabinoids. Any material, compound, mixture, or preparation that is not listed as a controlled substance in another schedule, is not an FDA-approved drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues, and salts of isomers and homologues, unless specifically excepted, whenever the existence of these salts, isomers, homologues, and salts of isomers and homologues is possible within the specific chemical designation:

(a) Naphthoylindoles. Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted

in the naphthyl ring to any extent.

Some trade or other names: JWH-015; 1-pentyl-3-(1-naphthoyl)indole (JWH-018); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-butyl-3-(1-naphthoyl)indole (JWH-073); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); JWH-210; JWH-398; 1-pentyl-3-(1-naphthoyl)indole (AM-678); 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201); WIN 55-212; JWH-004; JWH-007; JWH-009; JWH-011; JWH-016; JWH-020; JWH-022; JWH-046; JWH-047; JWH-048; JWH-049; JWH-050; JWH-070; JWH-071; JWH-072; JWH-076; JWH-079; JWH-080; JWH-082; JWH-094; JWH-096; JWH-098; JWH-116; JWH-120; JWH-148; JWH-149; JWH-164; JWH-166; JWH-180; JWH-181; JWH-182; JWH-189; JWH-193; JWH-198; JWH-211; JWH-212; JWH-213; JWH-234; JWH-235; JWH-236; JWH-239; JWH-240; JWH-241; JWH-258; JWH-262; JWH-386; JWH-387; JWH-394; JWH-395; JWH-397; JWH-399; JWH-400; JWH-412; JWH-413; JWH-414; JWH-415; JWH-424; AM-678; AM-1220; AM-1221; AM-1235; AM-2232;

- (b) Naphthylmethylindeles. Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

Some trade or other names: JWH-175; JWH-184; JWH-185; JWH-192; JWH-194;

JWH-195; JWH-196; JWH-197; JWH-199;

- (c) Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

Some trade or other names: 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18); 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (RCS-8); 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203); JWH-167; JWH-201; JWH-202; JWH-204; JWH-205; JWH-206; JWH-207; JWH-208; JWH-209; JWH-237; JWH-248; JWH-249; JWH-251; JWH-253; JWH-302; JWH-303; JWH-304; JWH-305; JWH-306; JWH-311; JWH-312; JWH-313; JWH-314; JWH-315; JWH-316; Cannabipiperidiethanone;

- (d) Benzoylindoles. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

Some trade or other names: 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);

1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19); Pravadoline (WIN 48,098); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (RCS-4); AM-630; AM-661; AM-2233; AM-1241;

- (e) Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

Some trade or other names: JWH-307; JWH-030; JWH-031; JWH-145; JWH-146; JWH-147; JWH-150; JWH-156; JWH-242; JWH-243; JWH-244; JWH-245; JWH-246; JWH-292; JWH-293; JWH-308; JWH-309; JWH-346; JWH-348; JWH-363; JWH-364; JWH-365; JWH-367; JWH-368; JWH-369; JWH-370; JWH-371; JWH-373; JWH-392;

- (f) Naphthylmethylenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.

Some trade or other names: JWH-171; JWH-176; JWH-220;

- (g) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol

structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not substituted in the cyclohexyl ring to any extent.

Some trade or other names: 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47, 497 and homologues, which includes C8); cannabicyclohexanol; CP-55,490; CP-55,940; CP-56,667;

- (h) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names: HU-210;
- (i) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenyl. Some trade or other names: WIN 55, 212-2;
- (j) Substituted Acetylindoles. Any compound containing a 3-acetyl indole structure substituted at the acetyl with a tetramethylcyclopropyl, adamantyl, or benzyl substituent whether or not further substituted in the tetramethylcyclopropyl, adamantyl, or benzyl substituent to any extent and whether or not further substituted at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indole ring to any extent.

Some trade and or names: (1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144); (1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (XLR-11); (1-(2-morpholin-4-ylethyl)-

1H-indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (A-796,260); 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-yl)indole (AM-1248); 1-Pentyl-3-(1-adamantyl)indole (AB-001 and JWH-018 adamantyl analog); AM-679;

- (k) Substituted Carboxamide Indole. Any compound containing a 3-carboxamide indole structure substituted at the carboxamide with a tetramethylcyclopropyl, or adamantyl substituent, whether or not further substituted in the tetramethylcyclopropyl, or adamantyl substituent to any extent and whether or not further substituted at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indole ring to any extent.

Some trade and other names: JWH-018 adamantyl carboxamide; STS-135;

- (47) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI);
- (48) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
- (49) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);
- (50) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
- (51) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
- (52) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);
- (53) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
- (54) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- (55) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N); and
- (56) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);
- (57) Substituted phenethylamine. Any compound, unless specifically exempt, listed as a

controlled substance in another schedule or an approved FDA drug, structurally derived from phenylethan-2-amine by substitution on the phenyl ring in any of the following ways, that is to say--by substitution with a fused methylenedioxy, fused furan, or fused tetrahydrofuran ring system; by substitution with two alkoxy groups; by substitution with one alkoxy and either one fused furan, tetrahydrofuran, or tetrahydropyran ring system; by substitution with two fused ring systems from any combination of the furan, tetrahydrofuran, or tetrahydropyran ring systems; whether or not the compound is further modified in any of the following ways:

- (a) By substitution on the phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or alkylthio groups;
- (b) By substitution on the 2-position by any alkyl groups; or
- (c) By substitution on the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, methoxybenzyl, or hydroxybenzyl groups.

Some trade and other names: 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine (2C-T or 4-methylthio-2,5-dimethoxyphenethylamine); 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine (DOI or 2,5-Dimethoxy-4-iodoamphetamine); 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane (DOB or 2,5-Dimethoxy-4-bromoamphetamine); 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (DOC or 2,5-Dimethoxy-4-chloroamphetamine); 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-B-NBOMe; 25B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine);

2-4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
 (2 C - B - N B O M e ; 2 5 B - N B O M e o r
 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine);N-(2-Methoxybe
 nzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine (Mescaline-NBOMe or
 3,4,5-trimethoxy-N-(2-methoxybenzyl)phenethylamine);
 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
 (2 C - C - N B O M e ; 2 5 C - N B O M e o r
 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine);
 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine
 (2CB-5-hemiFLY); 2-(8-bromo-2,3,6,7-tetrahydrofuro
 [2,3-f][1]benzofuran-4-yl)ethanamine (2C-B-FLY);
 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine
 (2 C - B - b u t t e r F L Y) ;
 N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-
 4-yl)-2-aminoethane (2C-B-FLY-NBOMe);
 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine
 (bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY);
 N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (2C-I-NBOH or
 25I-NBOH); 5-(2-Aminopropyl)benzofuran (5-APB); 6-(2-Aminopropyl)benzofuran
 (6-APB); 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
 6-(2-Aminopropyl)-2,3,-dihydrobenzofuran (6-APDB);

- (58) Substituted tryptamines. Any compound, unless specifically exempt, listed as a controlled substance in another schedule or an approved FDA drug ,structurally derived from 2-(1H-indol-3-yl)ethanamine (i.e, tryptamine) by mono- or di-substitution of the amine

nitrogen with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom in a cyclic structure whether or not the compound is further substituted at the alpha-position with an alkyl group or whether or not further substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups.

Some trade and other names: 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT); 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT or O-Acetylpsilocin); 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET); 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DIPT); 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);

(59) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone (CB-13);

(60) N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide (AKB 48);

(61) 1-(4-Fluorophenyl)piperazine (pFPP);

(62) 1-(3-Chlorophenyl)piperazine (mCPP);

(63) 1-(4-Methoxyphenyl)piperazine (pMeOPP);

(64) 1,4-Dibenzylpiperazine (DBP);

(65) Isopentadrone;

(66) Fluoromethamphetamine;

(67) Fluoroamphetamine;

(68) Fluorococaine.

Section 5. That § 34-20B-25 be amended to read as follows:

34-20B-25. The following are included in Schedule IV:

- (1) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified estrogens);

- (2) Clonazepam;
- (3) Clorazepate;
- (4) Diazepam;
- (4A) Flunitrazepam;
- (5) Flurazepam;
- (6) Mebutamate;
- (7) Oxazepam;
- (8) Prazepam;
- (9) Lorazepam;
- (10) Triazolam;
- (11) Any substance which contains any quantity of a benzodiazepine, or salt of benzodiazepine, except those substances which are specifically listed in other schedules;
- (12) Repealed by SL 2003, ch 183, § 4;
- (13) Cathine;
- (14) Fencamfamine;
- (15) Fenproporex;
- (16) Mefenorex;
- (17) Pyrovalerone;
- (18) Propoxyphene;
- (19) Pentazocine;
- (20) Diethylpropion;
- (21) Ethchlorvynol;
- (22) Ethinamate;
- (23) Fenfluramine;

- (24) Mazindol;
- (25) Mephobarbital;
- (26) Methohexitol;
- (27) Paraldehyde;
- (28) Pemoline;
- (29) Petrichloral;
- (30) Phentermine;
- (31) Barbital;
- (32) Phenobarbital;
- (33) Meproamate;
- (34) Zolpidem;
- (35) Butorphanol;
- (36) Modafinil, including its salts, isomers, and salts of isomers;
- (37) Sibutramine;
- (38) Zaleplon;
- (39) Dichloralphenazone;
- (40) Zopiclone (also known as eszopiclone), including its salts, isomers, and salts of isomers;
- (41) Pregabalin;
- (42) Lacosamide;
- (43) Fospropofol, including its salts, isomers, and salts of isomers;
- (44) Clobazam;
- (45) Carisoprodol, including its salts, isomers, and salts of isomers;
- (46) Ezogabine, [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester],
including its salts, isomers, and salts of isomers; and

- (47) Lorcaserin, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible.

Section 6. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to revise the controlled substance schedule and to declare an emergency.

=====

I certify that the attached Act
originated in the

SENATE as Bill No. 68

Secretary of the Senate
=====

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 68

File No. _____

Chapter No. _____

=====

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock ____ M.

Secretary of State

By _____
Asst. Secretary of State